IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2123 OF 2007

1. Pradip Krishna Mhatre,

2. Pardesh Navanath Koli,

3. Bhalchandra Chandrakant Koli,

4. Sachin Baburao Koli. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

A.P.Mundargi, senior counsel with Amol Patankar for the applicants.

Ms.S.D.Shinde, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 17th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with C.R.No.1/2007 registered with NRI Complex Sagari Police Station, Navi Mumbai for the offences punishable under sections 302, 326, 143, 144, 147,

148, 149, 504 and 506 of Indian Penal Code.

3. The names of the present applicants are not to be found in the F.I.R. They appear to have been implicated in the supplementary statement, which came to be recorded on 9th February, 2007 i.e. after about one week from the date of incident. Consequent upon the supplementary statement, the present applicants were arrested and from them certain articles were recovered. One mobile phone came to be recovered from applicant No.1. There was no recovery from applicant No.2. Iron rod was recovered from applicant No.3, whereas one bamboo stick was recovered from applicant No.4.

4. So far as iron rod and bamboo stick are concerned, it is alleged both these articles had blood stains. In the report of the Chemical Analyser, human blood were found, however, the blood group could not be found, as such so far as blood group is concerned, the report is inconclusive.

5. Now, looking to the quality of the "Recovery Panchanama" and the manner in which the same was effected, much has been said about legality, on which, at this stage, I do not propose to comment. However, in the facts and circumstances of the this case, I am inclined to grant bail to the applicants, however,

subject to the following stringent conditions:

(a) The applicants, arrested in connection with C.R.No.1/2007 registered with NRI Complex Sagari Police Station, Navi Mumbai shall be enlarged on bail in the sum of Rs.25,000/- each with one or two local sureties to make up the said amount.

(b) The applicants shall not enter into the jurisdiction of NRI Complex Sagari Police Station, Navi Mumbai, taluka- Panvel, district- Raigad except as and when called for interrogation and shall leave the area, immediately, after interrogation is over. They shall co-operate with the investigating agency.

(c) All the applicants undertake to furnish their addresses, where they propose to stay after they are enlarged on bail, to the Investigating Officer within one week from today.

(d) The order of bail shall be given effect to only after the applicants furnish, to the investigating officer, the details about their place of residence and addresses. The applicants will not change their residential addresses untill the conclusion of trial without prior intimation to the investigating officer. The police officer shall be free to randomly check the presence of the applicants even in the midnight during night patrolling.

(e) Applicants are directed to report to the nearest police station, which will be near to their residence, once in a week i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial except on the day of trial.

(f) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(g) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(h) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

6. Application stands disposed of accordingly.

JUDGE